

## **REMARKS**

### **102(b) Rejection- Roll**

The Examiner rejected claims 1-3 and 5-7 under 35 USC 102(a) as anticipated by Roll (patent no. 3,216,025). Applicant has amended claims 1, 3, 4, 7, 8-11 and 14 and has deleted claim 2. Claim 1 has been amended to include the limitations of claim 2 and the limitation requiring that the water pipe fixture extensions and the drain connection have a sealed outer end. The Roll patent fails to disclose sealed ends on the corresponding structures of the plumbing fixture. The drain pipe of Roll (16) discloses an elbow 30 for connection to a drain pipe of a plumbing fixture. However, as indicated in figure 1, the outer end of the pipe 16/elbow 30 is open. Likewise, the equivalent structures to the water pipe fixture extensions disclosed in Roll (not numbered in FIG. 1) are also comprise outer ends that are open. The T-fitting 34 does not serve to close the open outer end of the fixture extensions, but to secure the plumbing fixture to the bracket, with the bracket being further secured to frame members of the structure). Claim 8 has likewise been amended.

The sealed outer ends allow a user of the modular plumbing assembly to pressure test the plumbing system before installation is completed. Prior methods relied on the use of individual adapters that were secured to the open ends of the various pipe connections to provide a sealed end for pressure testing purposes. The adapters, of course, had to be removed before installation could be completed. The present disclosure through the provision of sealed ends in combination with the other elements disclosed provides a quick and efficient method for proper installation and testing of a plumbing assembly. After the system has been pressure tested, the sealed outer ends of the fixture

extensions and drain connection are simply cut away (as guided by the cut lines thereon) using commercially available equipment.

#### 103(a) Rejection- Roll

The Examiner rejected claims 8-10 and 12-14 under 35 USC 103(a) as obvious in light of Roll. The examiner stated that the disclosed primary and secondary plumbing assemblies were mere duplicates of one another, therefore being obvious. The separation of the modular plumbing assembly into discrete units allows a user to install the primary assembly at one time and then install the secondary assembly at a separate time. The design of the primary and secondary assemblies ensure that even though the parts are installed at different times, the finished plumbing assembly will still be in the correct orientation and height for connection to the plumbing fixture. Such a 2-stage process is particularly useful in cases where foundations of structures comprise concrete slabs. In these installations, the plumbing assembly must be installed before the slab is poured. In prior modular device, the entire plumbing assembly was required to be installed. Therefore, the entire plumbing assembly was subjected to the elements and to theft, vandalism and accidental damage during the remainder of the construction process. The instant disclosure provides a solution to these problems by allowing a 2-step installation process while at the same time ensuring the component parts will be in the correct orientation and height for connection to the plumbing fixture.

The Applicant respectfully submits that claims 1 and 8 are now in a condition for allowance given the art of record in the instant application. Claims 3-6 and 9-14 are dependent on claims 1 and 8, respectively. Applicant respectfully requests that the

requested amendments be entered and that a timely Notice of Allowance be issued in this case.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'T. Gregory Peterson', with a long horizontal line extending to the right.

T. Gregory Peterson  
Attorney for the Applicant  
Reg. No. 45,587

OF COUNSEL  
Bradley Arant Rose & White LLP  
1819 Fifth Avenue North  
Birmingham, Al 35203-2104  
(205) 521-8084

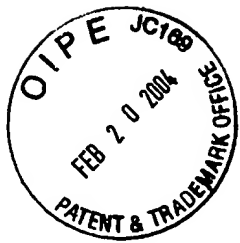
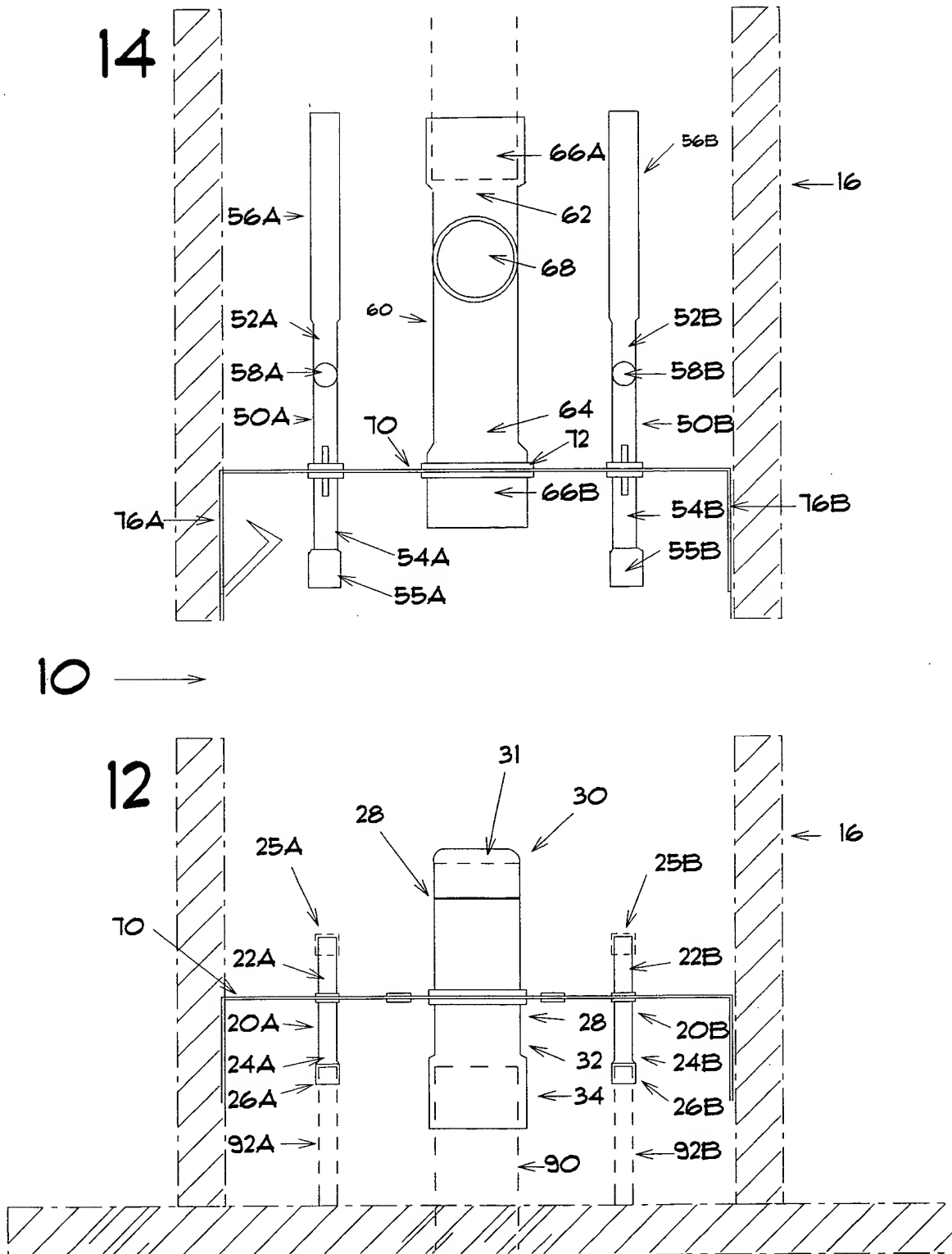
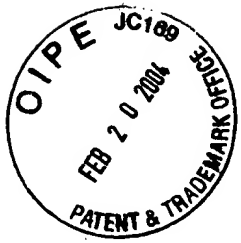
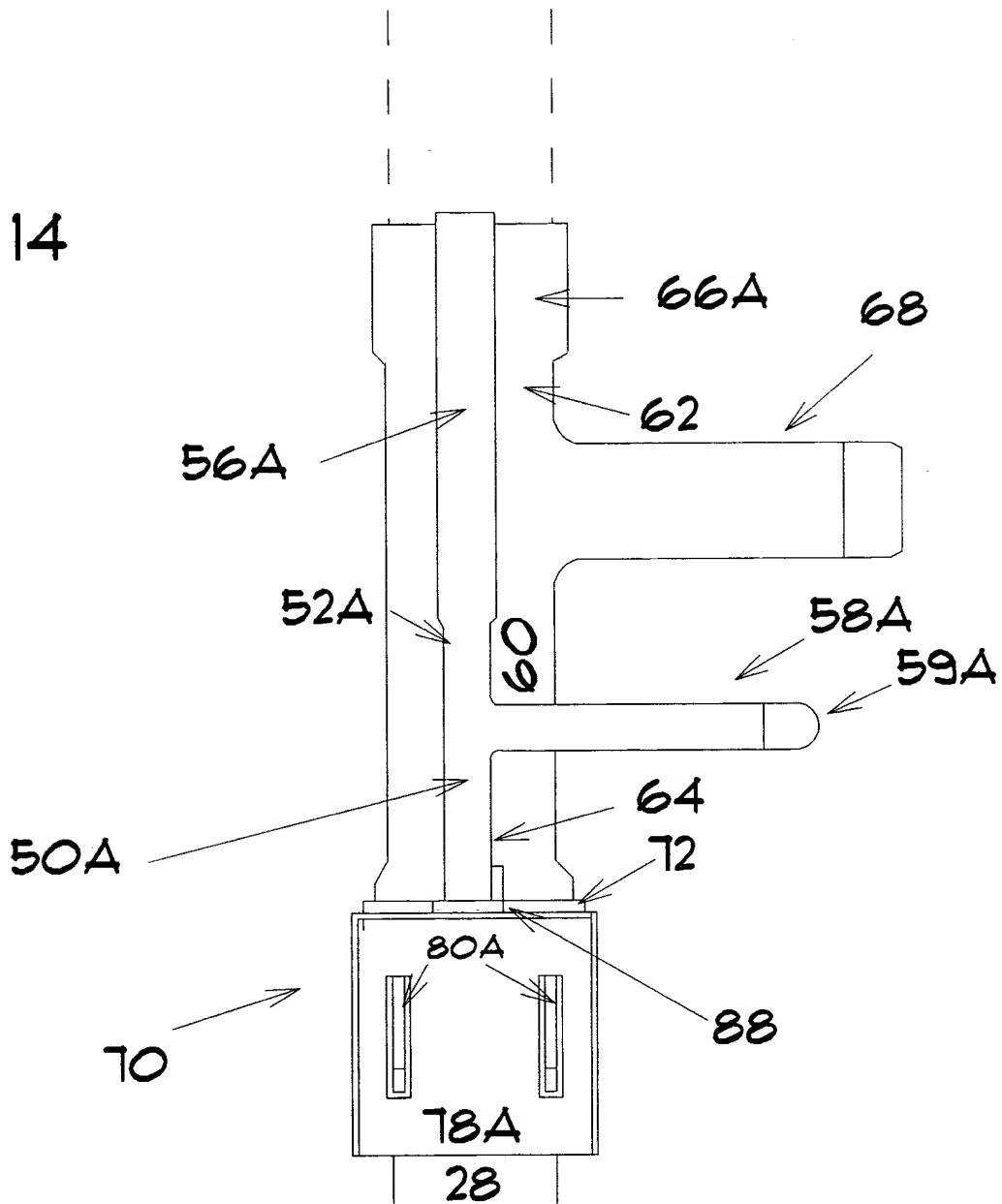


FIG. 1





# FIG. 2



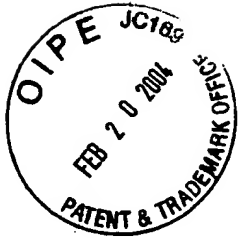


FIG. 3A

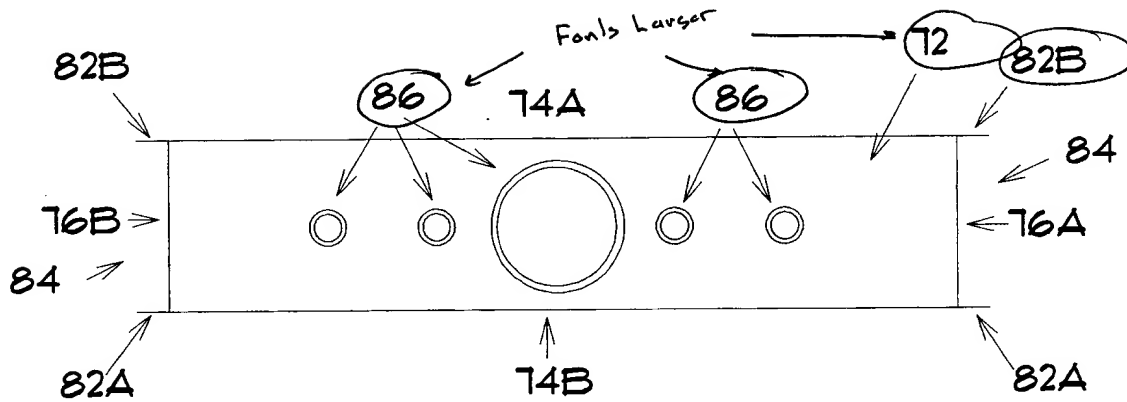
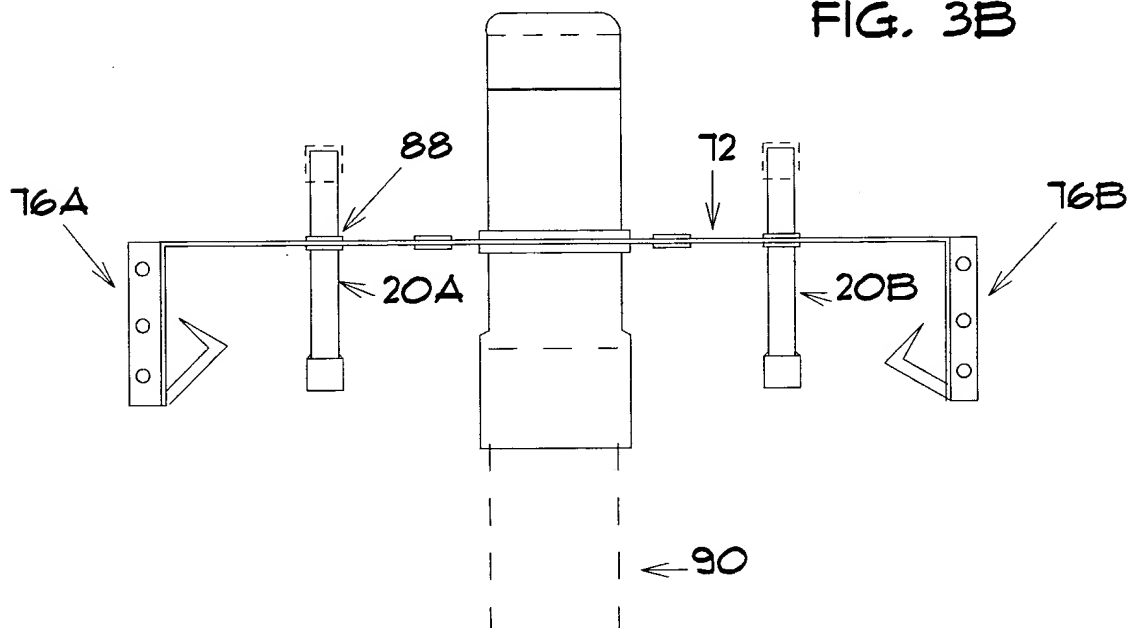


FIG. 3B



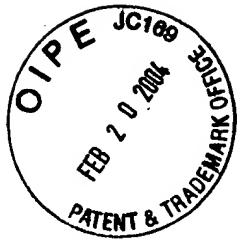
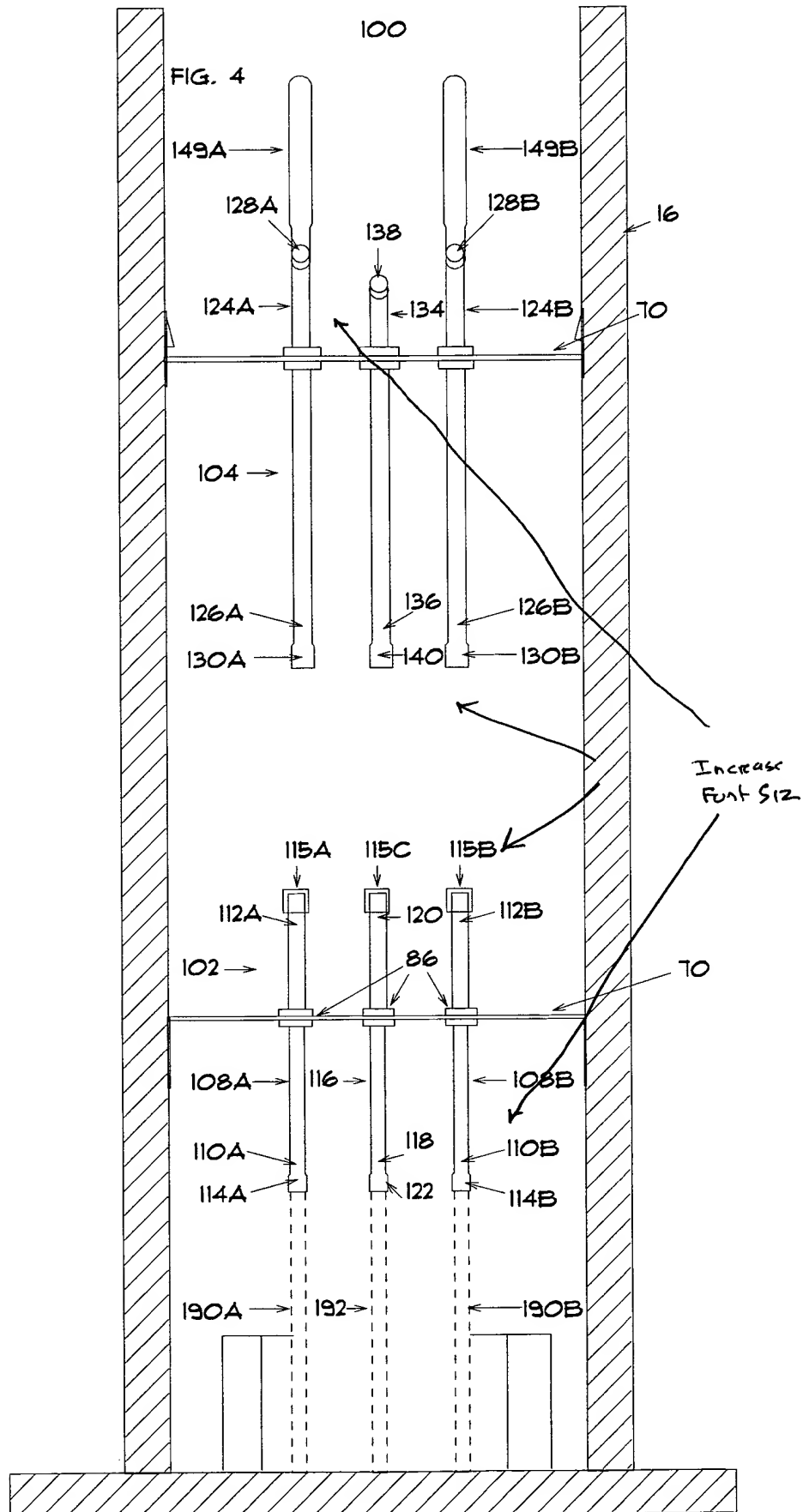
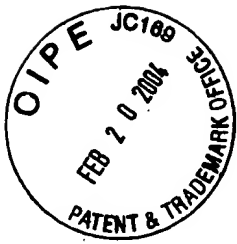


FIG. 4

added





100  
↓

FIG. 5A

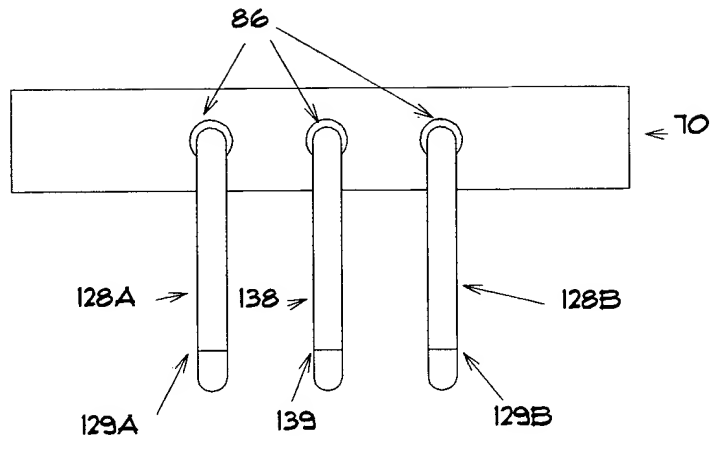
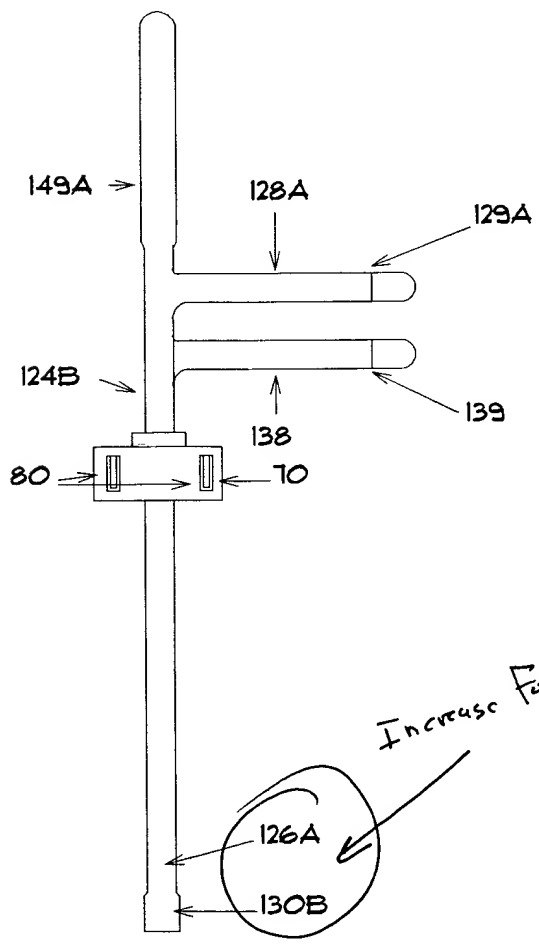


FIG. 5B





100

156

154

150

128B

146

152

160

Increase Font Size Generally

138

184

180

182

144

60

194

196

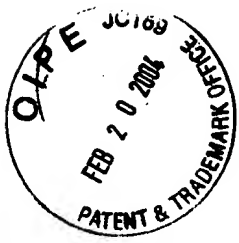
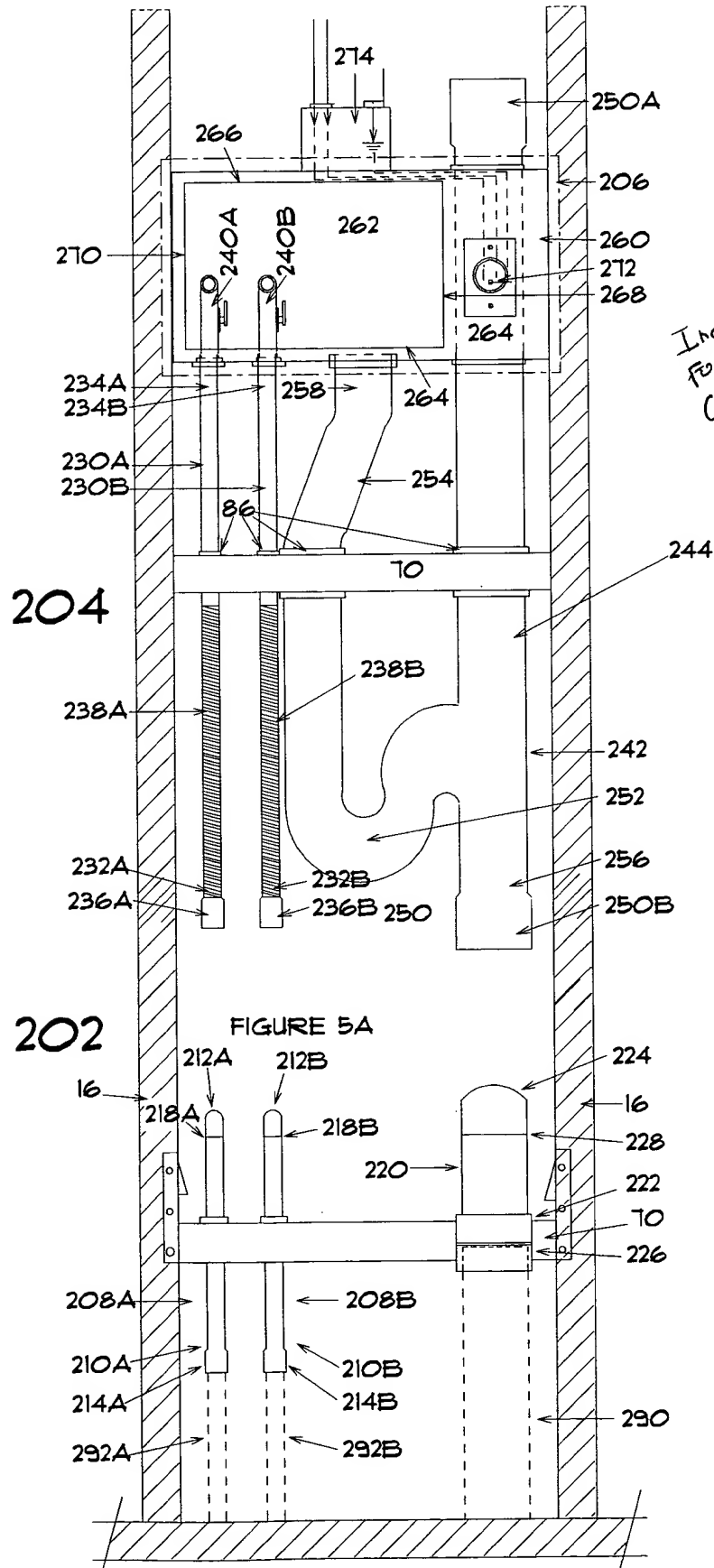


FIG. 7

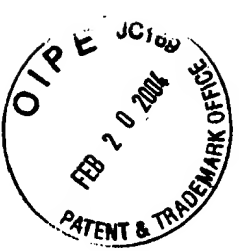
100



204

202

FIGURE 5A



300

FIG. 8A

— add  
340

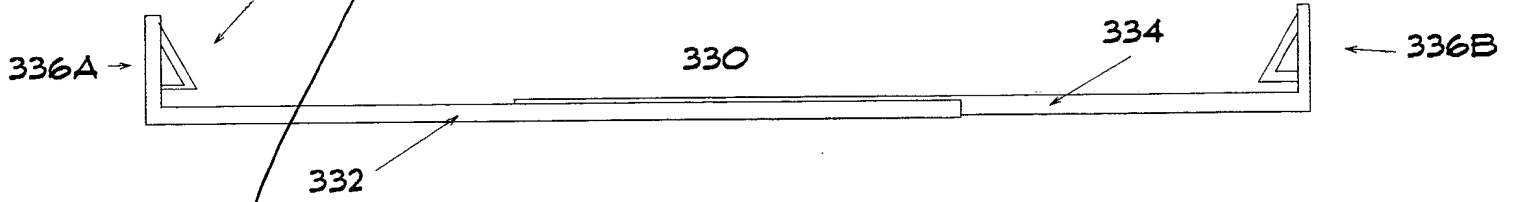
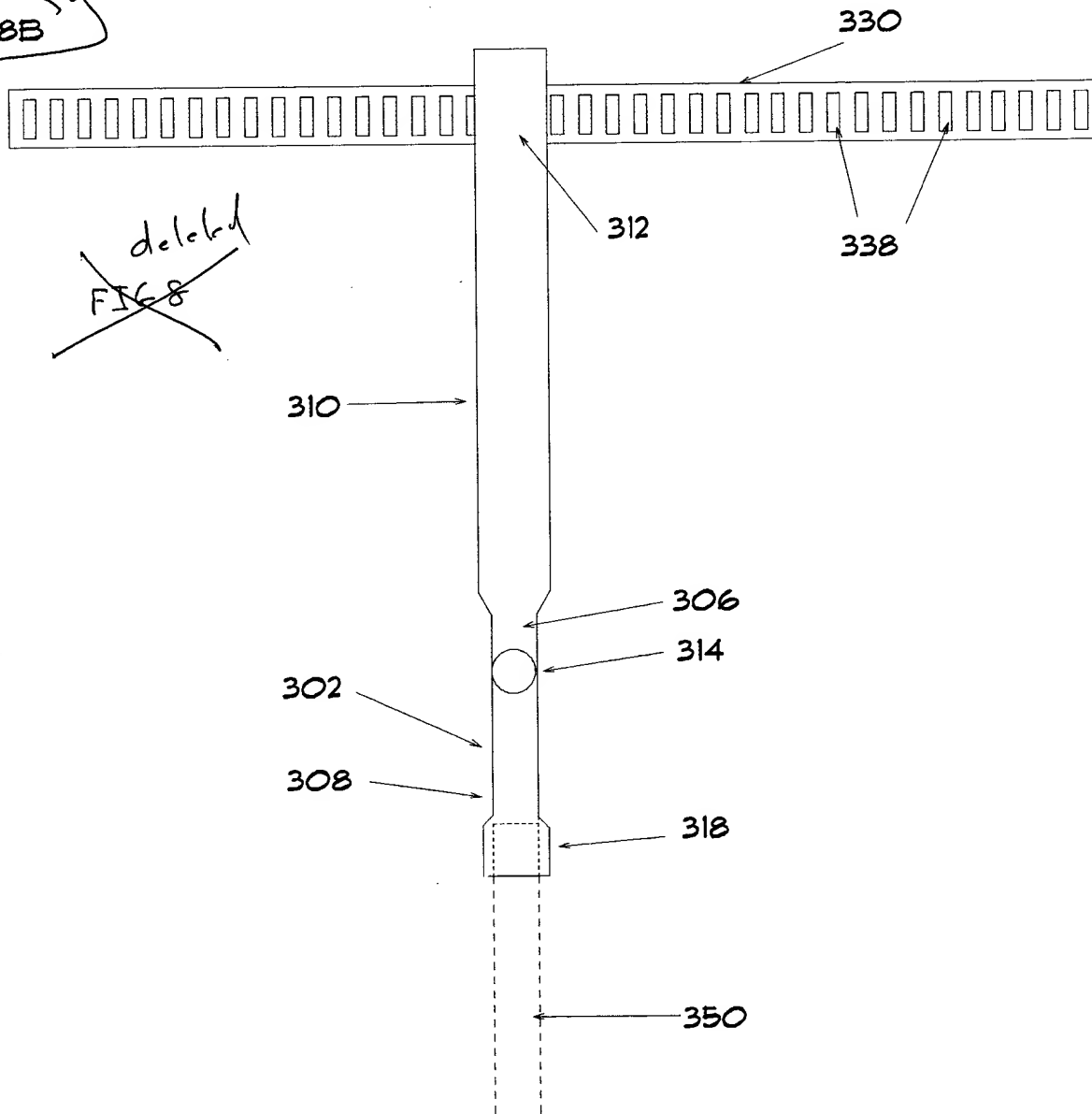


FIG. 8B



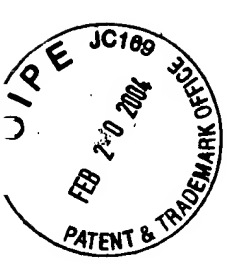
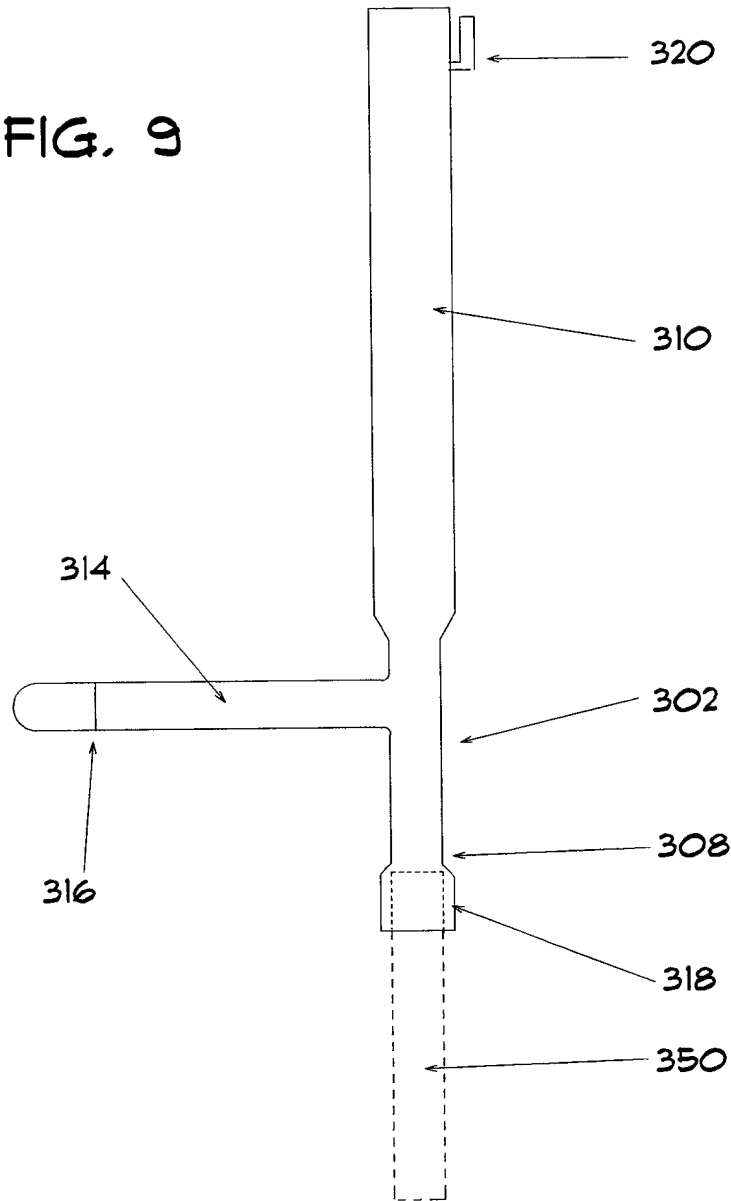


FIG. 9



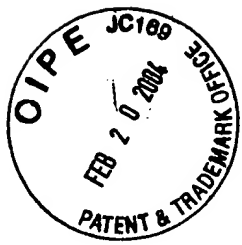
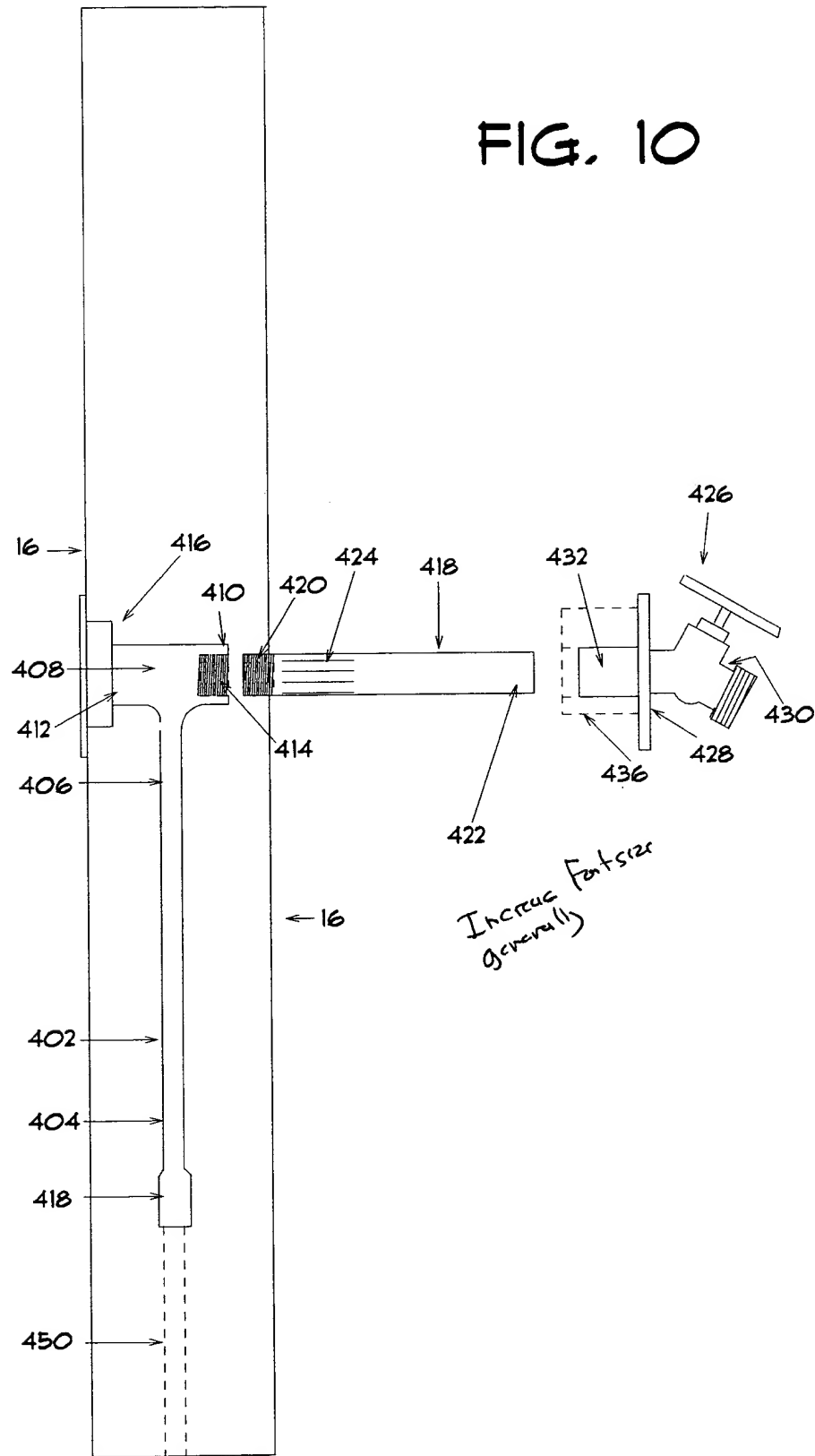


FIG. 10



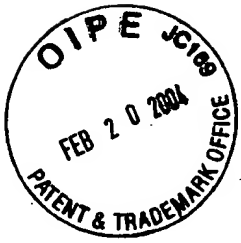


FIG. 11

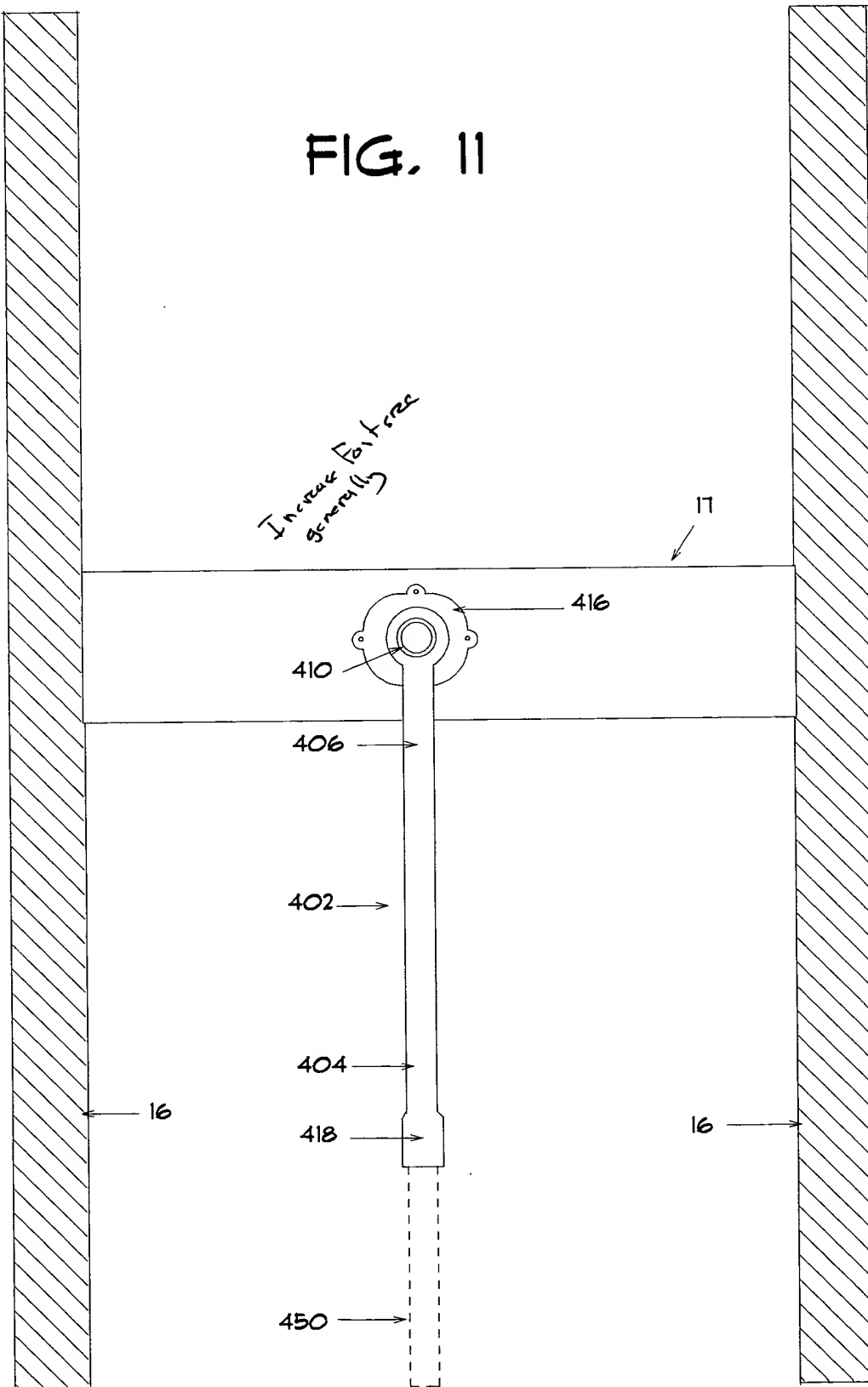
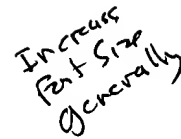


FIG. 12





500

FIG. 13A

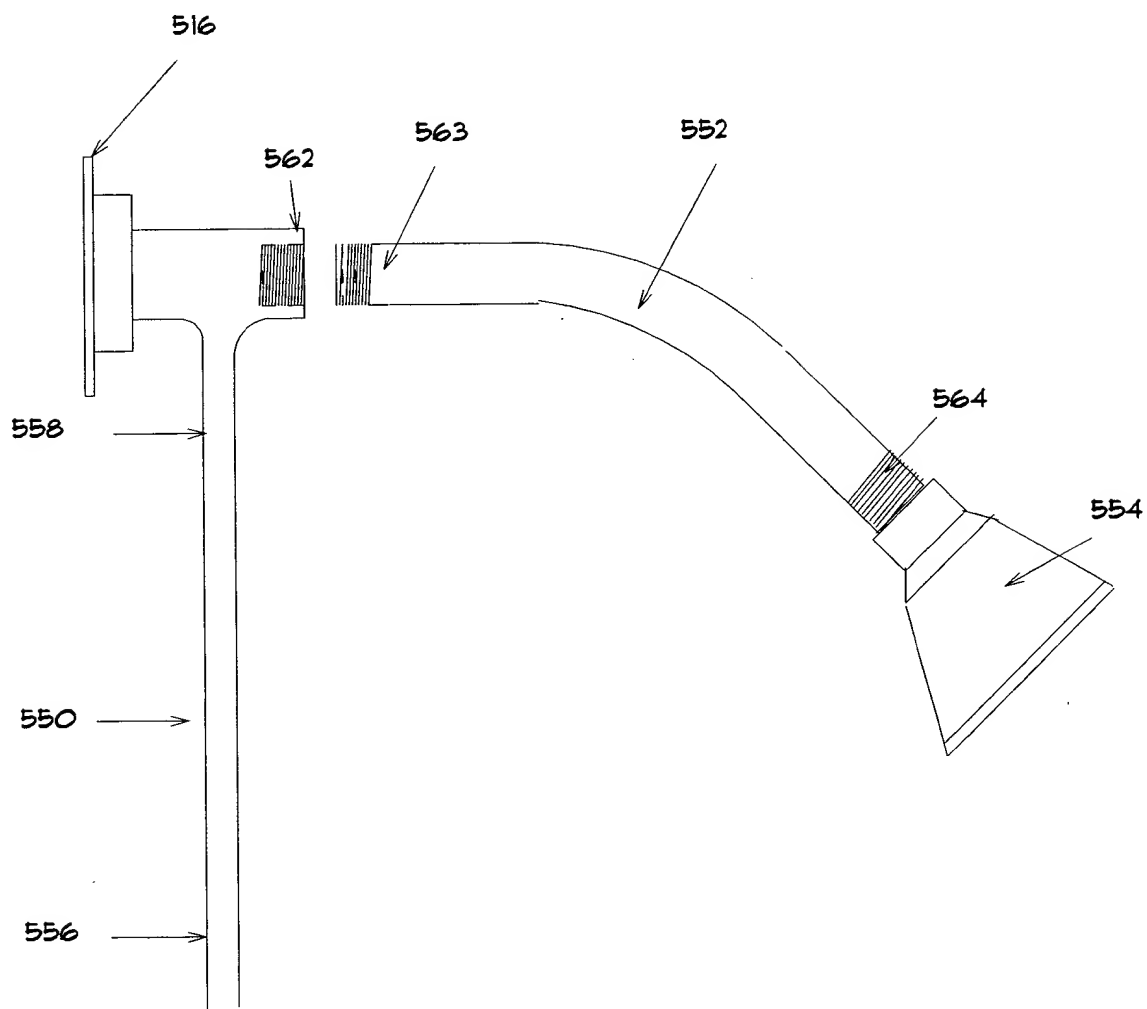




FIG. 13B

